

REMARKS

Receipt of the Office Action of April 12, 2010 is gratefully acknowledged.

Claims 7 - 9 and 11 have been reexamined and finally rejected under 35 USC 103(a) over the newly cited references to Perlman et al in view of Sharp et al.

In an effort to place this application in condition for allowance, claim 7 has been amended to include the subject matter of claim 8, leaving claims 7, 9 and 11 for consideration. These claims are believed to patentably distinguish over the newly cited references.

Perlman discloses a web tv box that is able to download peripheral device drivers which are connected to the web tv box by way of a expansion bus (Perlman: col. 5, lines 54-59). After system initialization the web tv box requests the device codes from all peripheral devices (Perlman: col. 6, lines 12-15). The web tv box then transmits the device codes to a web tv server over a network connection. Once the corresponding drivers are identified the web tv server automatically downloads these device drivers to the web tv client (Perlman: col. 6, lines 51-54). Thus, there can be no doubt that Perlman relates to another field of technology which does not even remotely approach that of the present invention..

However in the field of process automation device descriptions are periodically updated by the manufacturer. The updated device descriptions must then be sent to a user, and are then installed manually. Therefore it is not guaranteed that the user is in fact using the most recent device description.

This drawback is overcome by the present invention in amend claim 7, and in particular, claim 7 as now amended. That is, the device description of the corresponding

field device is not only downloaded if it is not available in the control unit, but also the application program queries the external server, in regular intervals, as to whether a new device description is available.

Perlman does not disclose this feature. Though the examiner states under "regarding claim 8" of the instant office action that this is disclosed by Perlman this is not true, since Perlman teaches that in response to a query from the web tv box, each peripheral device then transmits its slot number onto the bus back to the web tv box.

But the web tv box, i.e. the web tv client, does not query the external server, especially not in regular intervals, as to whether a new device description is available. Because according to Perlman the peripheral device codes are transmitted to the web tv server only after initialization. But this does not solve the problem addressed to above. Instead what is described by Perlman in col. 5, lines 45-50 is how the slot index numbers are transmitted (from the peripheral devices) onto the (expansion) bus to the web tv box.

No hint is given by Perlman or by Sharp to regularly query an external server in order to check whether new device descriptions are available.

Therefore, applicants are of the view that the amended claim 7 is allowable over the art of record.

Entry of the noted amendment to claim 7, which is a combination of claims 7 and 8, and therefore not a new claim version, is respectfully requested and this application allowed with claims 7, 9 and 11.

U.S. Pat. Appl. 10/522,586

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Respectfully submitted,
BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

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